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COOLEY GODWARD KRONISH LLP			THERIAULT, STEVEN B	
Attn: Patent Group			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/622,865	HERZ, WILLIAM SAMUEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	STEVEN B. THERIAULT	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4,7,8,12-14,16,17,19,21-24 and 37-41 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 4, 7-8, 12-14, 16-17, 19, 21-24, and 37-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This action is responsive to the following communications: Response filed 2/25/2008.

**This action is made Final.**

2. Claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24, and 37-41 are pending in the case. Claims 1 and 19 are the independent claims. Claims 2-3, 5-6, 9-11, 15, 18, 20, 25-36 are the cancelled claims. Claims 37 -41 are new claims.

### *Claim Rejections - 35 USC § 103*

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 4, 7-8, 16, 19, 37-38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001 (previously cited on 892).**

In regard to **Independent claim 1**, Clapper teaches a method of using a graphical user interface to navigate a media center, comprising:

- Displaying a remote control icon that is a three-dimensional representation of a physical universal remote control of the media center; (See Figures 2 and column 2, lines 60-67). Clapper teaches a physical representation of the actual remote control in the media center.
- In response to a user inputting a command by pressing a button of the physical universal remote control (Clapper column 3, lines 5-15). Clapper teaches highlighting the pressed button on the interface, to reflect the button to the user

Clapper does not expressly teach:

- updating said three-dimensional representation to display a three-dimensional animation of the button being pressed to indicate to the user that the command was received by the media center

Kolde teaches a process of creating a 3d animation of a button being pressed on a remote control and representing the button on the interface, while also displaying the remote control on the interface (See Para 0086 and Figure 6-7). Kolde teaches the button may be animated, highlighted and the like and cyclically scaled, which creates a structure that, can represent a 3d animation of a button being pressed. Kolde and Clapper are analogous art because they both display an image of the physical remote control on the interface and show to the user, in a graphical form, the representation of the button push.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kolde and Clapper in front of them, to modify the system of Clapper to have a 3D animation of the button press, to visually enhance the representation to the user. The motivation to combine Clapper with Kolde comes from the suggestion in Kolde to intuitively present an interface that assists the user (See Para 0008) and to instruct a user through visual means as to the function they have pressed on the remote control through the GUI.

With respect to **dependent claim 4**, Clapper teaches the method wherein said command is a command to select one of a plurality of media devices (See column 5, lines 25-57) Clapper teaches a tuner, and a TV and a set-top box.

With respect to **dependent claim 7**, Clapper teaches the method wherein said displaying comprises: displaying media device icons for a plurality of media devices controlled by the physical universal remote control(See Figure 8 and column 5, lines 25-57) Clapper teaches the devices can be a tuner, set-top box and TV

With respect to **dependent claim 8**, Clapper teaches the method wherein said plurality of media devices includes at least one of a TV receiver, DVR, PVR, EPG, CD player, DVD player, interactive electronic game, digital radio, or an Internet appliance (See Figure 8 and column 5, lines 25-57) Clapper teaches the devices can be a tuner, set-top box and TV. In the alternative, Kolde teaches the set-top box connects to the Internet and a cable provider. Moreover, Clapper teaches downloading the appropriate remote control from a database of remote controls where the controls can be used for a variety of devices.

In regard to **Independent claim 19**, Clapper teaches a media center, comprising: a display (See Figure 2)

- A universal remote control having a plurality of buttons to control a plurality of media devices of the media center (See Figure2 and column 2, lines 60-67). Clapper teaches a universal remote control to control a variety of devices.
- A computer and associated graphics processor, the computer receiving commands from the universal remote control (See Figure 8, column 5, lines 25-40). Clapper teaches a processor based system.

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- Said computer displaying three-dimensional media center icons to represent attributes of said media center including generating a remote control icon that is a three-dimensional representation of the universal remote control (Clapper Figure 2) Clapper shows an actual image of the remote control on the interface.

Clapper does not expressly teach:

- and updating said three dimensional representation to display a three dimensional animation of the button being pressed to indicate to the user that corresponding commands are received by the media center

Kolde teaches a process of creating a 3d animation of a button being pressed on a remote control and representing the button on the interface, while also displaying the remote control on the interface (See Para 0086 and Figure 6-7). Kolde teaches the button may be animated, highlighted and the like and cyclically scaled, which creates a structure that, can represent a 3d animation of a button being pressed. Kolde and Clapper are analogous art because they both display an image of the physical remote control on the interface and show to the user, in a graphical form, the representation of the button push.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kolde and Clapper in front of them, to modify the system of Clapper to have a 3D animation of the button press, to visually enhance the representation to the user. The motivation to combine Clapper with Kolde comes from the suggestion in Kolde to intuitively present an interface that assists the user (See Para 0008) and to instruct a user through visual means as to the function they have pressed on the remote control through the GUI.

With respect to **dependent claim 16**, Clapper teaches the method wherein the remote control icon has buttons representing a plurality of media control buttons of said physical universal remote control; said buttons of the remote control icon being updatable to represent processing of

commands received from said physical universal remote control (See figure 2, and column 3, lines 1-15) Clapper teaches a remote has buttons that are updated to reflect highlighting when the user presses them. In the alternative, Kolbe teaches a process of animating the button press to the user, as shown in figures 6-7, that represent commands from the remote control.

With respect to **dependent claims 37-38**, Clapper teaches the method where the three dimensional representation is a digital photo representation of the actual remote control (See column 4, lines 5-50). Clapper teaches the system has a database of images, where the ID of the device is checked every time the corresponding button for a given device is pressed. If the device is not the correct one, then the database is consulted to deliver the correct image of the remote to control the device. If the image is not found in the database, then the Internet is searched to retrieve the image of the device where images can be downloaded and would be digital images.

With respect to **dependent claim 41**, as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 19.

Clapper does not expressly teach the method wherein said at least one media player icon has a video texture mapped onto the display surface of the media center icon. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Kolde, because Kolde teaches a process of putting graphical markings and textual markings on the icon (See Para 0064). Kolde teaches the icons may share many visual characteristics and that the button will have an Icon that will be a picture of the application that the GUI represents (See Para 0063 and 0065). Kolde further teaches that the Icons can be stored in the JPEG, GIF and TIFF formats, which creates a structure for visual characteristics and markings to be interpreted as textures to be added to media center icon.

**Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12,**

**2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Shutaro et al (hereinafter Shutaro) EP 1096453 published Feb 05, 2001.**

With respect to **dependent claims 21 and 23**, as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 19.

Clapper teaches the media center where said computer is configured to display media center icons (See figure 2) and Kolde clearly teaches an interface for a remote where the button selections are animated. Clapper in view of Kolbe does not expressly teach where the interface comprises a selection for a stack of entertainment devices based on which button of said universal remote control is pressed and where the media center wherein said computer is configured to display media center icons comprising media player icons. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Shutaro, because Shutaro shows a stack or variety of Icons that control a variety of devices. The stack is shown horizontally and each device is controlled by the remote (See Figure 8, 10a, 13a, and Para 0026,). Shutaro also teaches (See Figure 8 and Para 0068-0071) a plurality of devices can be controlled from the remote and once the given device Icon has been selected that the appropriate commands for the selected device are shown on the interface. The motivation to combine Shutaro with Kolbe and Clapper comes from the suggestion in Shutaro, that by dynamically assigning functions to the remote keys that a larger number of functions then the keys can be realized, which suggests that other functions could be used with the remote such as media device controls and buttons that represent a class of devices.

6. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Kojima et al (hereinafter Kojima) U.S. Patent No. 6236398 issued May 22, 2001 and published Feb. 6, 1998.**

With respect to **dependent claim 12**, as indicated in the above discussion, Clapper in view of Kolbe teaches every element of claim 7.

Clapper in view of Kolbe does not expressly teach were the said media device icons comprising three-dimensional representations of media devices.

Kojima teaches a process of representing the icons on a television screen where the connected device can be selected and the icons are three-dimensional representations of the connected devices (See 5b, 7b, 8b, 9b, 13b, and column 6, lines 35-50 and column 7, lines 12-17, 42-45, and 59-65).

Kojima teaches a process of providing a selecting means in a media center for allowing the user to see the device represented in the focus window where the Icons represent the actual device to be operated. Clapper and Kolbe teach interfaces that can comprise buttons to control a variety of devices and teach processes of changing a button to reflect a user selection. Further, Clapper teaches downloading images of remote controls from the Internet or a database, to retrieve the control for the user's device, which can comprise a host a devices and remotes. Kojima are analogous art because they all allow for a user to make a selection on a device that represents a device and where the remote has a direct mapping to a location on the interface represented by the remote.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Clapper, Kolbe and Kojima in front of them, to modify the system of Clapper with system of Kolbe to comprise animated buttons and also with Kojima to display the device icons shown in Clapper with the icons of Kojima because Kojima teaches the process of

displaying the icons in 3D form for the purposes of clearly identifying the device to the user so that no confusion exists as to which device is selected (See column 5, lines 15-34). The motivation to combine Clapper, Kolbe with Kojima comes from the suggestion in Kojima to make it easier for the user to visually and intuitively see what type of device has been selected (See column 2, lines 1-10 and 25-31 and column 5, lines 30-35 and column 10, lines 60-65).

7. **Claims 13-14, 17, 24, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Miller et al (hereinafter Miller) U.S. Patent No. 6597358 issued July 22, 2003 and filed Aug. 26, 1998**

With respect to **dependent claims 13-14, 17, 24**, as indicated in the above discussion, Clapper in view Kolde teaches every element of claim 7 and 19.

Clapper teaches the process of using the remote control to select a media player icon on the interface and shows the process of controlling each device (See figure 2).

Shutaro does not expressly teach:

- A first media center icon is a media player icon having a window disposed on a front surface for displaying media, a back surface, and a side surface connecting said front and back surfaces;
- Said updating further comprises in response to a command to change from a first media device to a second media device:
  - Rotating said first media player icon from a front view" to a side view; and opening the second media player icon
  - Wherein a portion of the side of said first media player icon remains unobstructed from view by said second media player.

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- wherein said first media player icon is activated by selecting an unobstructed portion of said first media player icon.
- wherein a front view and a side view of the media player icon may be displayed.
- wherein at least one media center icon is an inactive media window icon corresponding to an edge-view of a media player icon.

However, Miller teaches a 3D representation of an application window where the windows are disposed on the front, back and side of a cube. The application windows on the side of the cube can be from a variety of applications (See column 3, lines 40-52), which can be a media player.

Miller teaches the ability to rotate the cube (See column 6, lines 40-53). Miller teaches that multiple applications cube can simultaneously exist on the interface, where a first media application can exist in cube A and a second can be in cube b, as shown in figure 7. The user can rotate the cubes with a pointer or input device and a user can manipulate one cube where the cube remains unobstructed (cube A) from view when the user rotates the second cube or visa versa. Miller teaches that the user can select from one cube that is unobstructed (See figure 6) as the user can select from the side window and the front is still in view. Miller shows the front and side view simultaneously displayed (See figure 7, G and H). Miller teaches the windows operated as traditional windows and the user can have application window E be an inactive window on the edge of the second cube in figure 7 as the user decides which applications they wish to display, which can be a window that is inactive, meaning not in use and not in focus, while displayed on the cube. Miller and Clapper are analogous art because they both teach a process of simplifying the interface for the user where commands and applications are manipulated on the interface to make the interaction process easier.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Miller and Clapper, Kolbe in front of them, to modify the Icons of Clapper and Kolde with the 3D cube of Miller for the purposes of displaying more information in a smaller space and to allow for multiple applications to run simultaneously without overlapping window configurations. The motivation to combine Miller with Clapper and Kolbe comes from the

suggestion in Miller that display space is at a premium and providing a window with a 3D area allows for the placement of windows on the display that would have otherwise obstructed the view of the display and not allowed the user to interact with several application controls at once.

With respect to **dependent claims 39-40**, as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 13 and 17.

Clapper does not expressly teach the method wherein said at least one media player icon has a video texture mapped onto the display surface of the media center icon. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Kolde, because Kolde teaches a process of putting graphical markings and textual markings on the icon (See Para 0064). Kolde teaches the icons may share many visual characteristics and that the button will have an Icon that will be a picture of the application that the GUI represents (See Para 0063 and 0065). Kolde further teaches that the Icons can be stored in the JPEG, GIF and TIFF formats, which creates a structure for visual characteristics and markings to be interpreted as textures to be added to media center icon.

8. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper et al (hereinafter Clapper) U.S. Patent No. 6,822,698 issued Nov. 23, 2004 and filed Sept. 12, 2002, in view of Kolde (hereinafter Kolde) U.S. Patent Pub No. 20020175944 published Nov. 28, 2002 and filed May 23, 2001, in further view of Kwon et al (hereinafter Kwon) U.S. Patent No. 7043691 issued May 29, 2006 and filed June 30, 2000.**

With respect to **dependent claim 22**, as indicated in the above discussion, Clapper in view of Kolde teaches every limitation of claim 19.

Clapper expressly teaches that the media center computer is configured to display media center icons for a plurality of media devices (See Figure 2 and 8).

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Clapper in view of Kolbe does not expressly teach the media center computer is configured to display the devices and their associated connections during a setup step for establishing media device connections.

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Kwon, because Kwon teaches a process of displaying a menu with icons and a process of showing the user the connections needed to setup a device (See column 2, lines 1-31). Kwon and Shutaro are analogous art for several reasons: First, they operate with several device types in media environment such and DVD, TV, and CD players. Second, they provide on-screen support and assistance. Third, they both provide functions through menus. Therefore, the suggestion to combine Shutaro with Kwon comes from the teaching in Kwon to help the user to understand the process of connecting and interacting with the functions of the machine through a visual means.

**It is noted that any citation to specific pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).**

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, 7-8, 12-14, 16-17, 19, 21-24 and 37-41 have been considered and are not persuasive.

*Applicant argues the Clappers remote is not 3D and does not show depth on the buttons*

Applicant argues that Clapper does not show a three dimensional image having depth in figure 2 because they interpret the image as 2D and flat with associated buttons (See argument page 6, bottom and page 7, top).

The Examiner respectfully disagrees.

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Clapper shows an image of an **actual** remote control unit on a graphical interface that allows users to select electronic program channels and see on the buttons on the remote that were pressed by the user (See Figure 2, #34 and column 2, lines 65-67 and column 3, lines 1-5 and column 4, lines 34-41).

**Clapper specifically teaches the elevation view of the remote, which is a 3-D term known in the art (See column 2, lines 48-50 and Figure 2).** An elevation view is a known term to describe an orthographic projection of an object in 3D while showing the object in two dimensions and is commonly used to show a view from side, left, right, top, etc. By showing the object from the front, this is but one view of the remote and an elevation view is a specific term denoting that the object is three dimensional but depicted in two dimensions with depth. Further, the remote of Clapper shows the remote with depth meaning the rounded sides of the remote along with depth within the interface. In a two dimensional image the x, y information is shown, such as the program channel information (shown in figure 2, #38, 39) but depth is not shown. However, the remote has x, y, and z (depth) information (e.g. notice the shadowing on the sides of the remote along with the rounded corners and depth features of the buttons). Therefore, Clapper shows an elevation view of a remote control and the interpretation is that the remote shown is an actual image of the remote control in 3-D.

*Applicant argues that the buttons of Kolde are two dimensional*

Applicant argues that the buttons of Kolde are two dimensional and flat and have no depth information (See page 7 middle) and that the Examiner has not made a *prima facie* case of obviousness for "updating the three dimensional image of the remote to display a three dimensional animation of a button being depressed".

The Examiner disagrees.

First, as explained above, the remote of Clapper is a 3D representation of a remote control. Second, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See

*In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). In this case, the Examiner relied on the teachings of Clapper for showing a 3D remote, as indicated in the rejection. The examiner relied on Kolde whom expressly teaches the process of providing the user with a **visual cue** that the command has been entered. Kolde shows that the animated button is presented on the remote and depicted in the screen through an overlay (See Para 70), which indicates depth and by placing an overlay on top of the remote control the Examiner interprets the icon on a map view placed over the remote can be displayed using highlighting, animating, scaling, etc in 3D. Therefore, placing in **combination**, the overlap of Kolde over the 3D remote of Clapper would result in a 3D animation of pressing a button on a remote control.

Moreover, the definition of the limitation of “animation of a button being depressed” is supported by interpreting the present application specification below:

[0044] The image of remote control 605 may be adjusted to indicate processing of a command input from a control surface of physical remote control 224. For example, if a button is depressed on physical remote control 224 to enter a command, such as a command to switch to a different media mode, a corresponding animation of the button on the image of remote control 605 may be seen to be depressed. This allows a user to receive confirmation that an instruction is being processed. In some embodiments, sounds and/or annotation may be provided as additional cues to a user that a command has been entered and is being processed.

[0045] Remote control icon 605 preferably is a three-dimensional representation of a remote control. In some embodiments, remote control icon 605 is an animated three-dimensional image of a remote control in which the **animation is adjusted to indicate depression of buttons**.

Therefore, based on the definition in the specification the Examiner relied on the teachings of both Clapper and Kolde to **adjust a three dimensional icon of a remote control to indicate depression of buttons** because the skilled artisan at the time of the invention would determine that placing the overlay of Kolde over the 3D depiction of the remote as shown in Clapper would yield a structure of animating a remote control to show selection of a button. Kolde expressly teaches that the button on the remote and the Icon placed in the map view **share visual characteristics** such as both shape, size and graphical

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markings (See Para 65). Therefore, sharing a 3D button by copying its properties when it is 3D would yield a 3D icon as described in Kolde for the purposes of indicating to the user that they have pressed the button on the remote control, teaches an expressed example of a structure that is disclosed in the present application specification but performed in a slightly different manner and yet yielding the same result.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/  
Patent Examiner  
Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179